

U.S. Environmental Protection Agency. (1993) Water quality guidance for the Great Lakes System and correction; proposed rules. F. R. 58(72): 20,802-21,047.

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Friday
April 16, 1993

20801

Federal Register

Part II

Environmental Protection Agency

40 CFR Parts 122 et al.

Water Quality Guidance for the Great
Lakes System and Correction; Proposed
Rules

(NEW COPY)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122, 123, 131, and 132

[FRL 4205-6]

RIN 2040-AC08

Proposed Water Quality Guidance for the Great Lakes System

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This document provides opportunity for comment on the proposed Water Quality Guidance for the Great Lakes System ("Guidance") developed under section 118(c)(2) of the Clean Water Act (CWA), as amended by section 101 of the Great Lakes Critical Programs Act of 1990 (CPA). This Guidance, once finalized, will establish minimum water quality standards, antidegradation policies, and implementation procedures for waters within the Great Lakes System in the States of New York, Pennsylvania, Ohio, Indiana, Illinois, Minnesota, Wisconsin, and Michigan, including the waters within the jurisdiction of Indian tribes. Today's proposal also is intended to satisfy the requirements of section 118(c)(7)(C) of the Clean Water Act that EPA publish information concerning the public health and environmental consequences of contaminants in Great Lakes sediment and that the information include specific numerical limits to protect health, aquatic life, and wildlife from the bioaccumulation of toxins.

The proposed Guidance specifies numeric criteria for selected pollutants to protect aquatic life, wildlife and human health within the Great Lakes System and methodologies to derive numeric criteria for additional pollutants discharged to these waters. The proposed Guidance also contains specific implementation procedures to translate the proposed ambient water quality criteria into enforceable controls on discharges of pollutants, and a proposed antidegradation policy for the Great Lakes System.

The Great Lakes States and Tribes must adopt water quality standards, antidegradation policies, and implementation procedures for waters within the Great Lakes System which are consistent with the final Guidance. If a Great Lakes State or Tribe fails to adopt consistent provisions within two years of EPA's publication of the final Guidance, EPA will promulgate such provisions within the same two-year period.

DATES: EPA will accept public comments on the proposed Guidance until September 13, 1993. Comments postmarked after this date may not be considered.

A public hearing on the proposed Guidance will be held on August 4 and 5, 1993, in Chicago, Illinois, beginning at 9 a.m. on August 4, 1993. The hearing officer reserves the right to limit oral testimony to 10 minutes, if necessary.

In addition, EPA and the States plan to hold a series of public informational meetings across the Great Lakes Basin to provide a general overview of the various elements in the proposed Guidance. Members of the public should call the following numbers for information on the dates and locations of these meetings: (1) In Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin—800-621-3431; (2) In Pennsylvania—215-597-6911; (3) In New York—716-285-8842.

ADDRESSES: An original and 4 copies of all comments on the proposed Guidance should be addressed to Wendy Schumacher, Water Quality Branch (WQS-16J), U.S. EPA, Region V, 77 West Jackson Blvd., Chicago, Illinois, 60604 (telephone: 312-886-0142).

The public hearing on the proposed Guidance will be held in room 331, 77 W. Jackson Blvd., Chicago, Illinois.

Materials in the public docket will be available for inspection and copying at the U.S. EPA Region V Records Center, 77 W. Jackson Blvd., Chicago, Illinois, by appointment only. Appointments may be made by calling Wendy Schumacher (telephone 312-886-0142). A reasonable fee will be charged for photocopies.

Selected documents supporting the proposed Guidance will also be available for viewing by the public at the following locations:

Illinois: Lincoln Library, Lincoln Library Reference Center, 326 South 7th Street, Springfield, Illinois, 62701 (217-753-4945).

Indiana: Indiana Department of Environmental Management, Office of Water Management, 6th Floor, 105 Meridian Street, Indianapolis, Indiana, 46206 (317-232-8671).

Michigan: Library of Michigan, Government Documents Service, 717 West Allegan, Lansing, Michigan, 48909 (517-373-1300); Detroit Public Library, Sociology and Economics Department, 5201 Woodward Avenue, Detroit, Michigan, 48202 (313-833-1440).

Minnesota: Minnesota Pollution Control Agency, Library, 320 Lafayette, St. Paul, Minnesota (612-296-7719).

New York: U.S. EPA Region II Library, room 402, 26 Federal Plaza, New York, New York, 10278 (212-264-2881); U.S. EPA Public Information Office, Carborundum

Center, Suite 530, 345 Third Street, Niagara Falls, New York, 14303 (716-285-8842); New York State Department of Environmental Conservation (NYSDEC), room 310, 50 Wolf Road, Albany, New York, 12233 (518-457-7463); NYDEC, Region 6, 7th Floor, State Office Building, 317 Washington Street, Watertown, New York, 13602 (315-785-2513); NYDEC, Region 7, 615 Erie Boulevard West, Syracuse, New York, 13204 (315-426-7400); NYDEC, Region 8, 62 74 East Avon-Lima Road, New York, 14414 (716-226-2466); NYDEC, Region 9, 270 Michigan Avenue, Buffalo, New York, 14203 (716-851-7070).

Ohio: Ohio Environmental Protection Agency Library—Central District Office, 1800 Watermark Road, Columbus, Ohio, 43215 (614-644-3024); U.S. EPA Eastern District Office, 25809 Central Ridge Road, Westlake, Ohio, 44145 (216-522-7260).

Pennsylvania: Pennsylvania Department of Environmental Resources, 1012 Water Street, Meadville, Pennsylvania, 16335; U.S. EPA Region III Library, 8th Floor, 841 Chestnut Building, Philadelphia, Pennsylvania, 19107-4431 (215-597-7904).

Wisconsin: Water Resources Center, University of Wisconsin-Madison, 2nd Floor, 1975 Willow Drive, Madison, Wisconsin (608-2620-3069).

Selected documents supporting the proposed Guidance are also available by mail upon request for a fee (see section XIII of the preamble for additional information).

FOR FURTHER INFORMATION CONTACT: Kenneth A. Fenner, Water Quality Branch Chief (WQS-16J), U.S. EPA Region V, 77 W. Jackson Blvd., Chicago, Illinois, 60604 (Telephone: 312-353-2079).

SUPPLEMENTARY INFORMATION:

Preamble Outline

I. Background

A. Description of Resource

1. General Statistics
2. Physical Characteristics
3. History of Environmental Degradation
4. Environmental Problems in the Great Lakes System

- a. Nutrients
- b. Toxic Substances

B. Great Lakes Water Quality Agreement

1. History of the Great Lakes Water Quality Agreement
- a. The Boundary Waters Treaty of 1909
- b. The 1972 Great Lakes Water Quality Agreement
- c. The 1978 Great Lakes Water Quality Agreement
- d. The 1987 Amendments to the Great Lakes Water Quality Agreement
2. Major Provisions of the Great Lakes Water Quality Agreement
3. Implementation of the Great Lakes Water Quality Agreement
- a. The International Joint Commission
- b. Provisions for Consolidation and Review